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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 **LISA GROCHOWSKI,**) Case No. 2:12-CV-01735-RSL
11)
12 Plaintiff,) **JOINT STATUS REPORT AND**
13) **DISCOVERY PLAN**
14 vs.)
15)
16 **MIDLAND CREDIT MANAGEMENT,**
17 **INC., MIDLAND FUNDING, LLC AND**
18 **ENCORE CAPITAL GROUP, INC.**)
19 Defendants.)

20 Consistent with, and pursuant to, this Court's minute order dated January 15,
21 2013, the parties submit the following joint status report and discovery plan, for the
22 Court's consideration:

23 **1. STATEMENT OF THE NATURE AND COMPLEXITY OF CASE**

24 Plaintiff alleges that Defendants are debt collectors, which have violated the
25 federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"). The
26 case is not unusually complex.
27

Defendants: As shown by Defendants' Answers, Defendant Encore was not the debt buyer in this case, and has nothing to do with the allegations in Plaintiff's Complaint. As far as Plaintiff's claims against Midland Funding, Plaintiff has not alleged sufficient facts regarding control over Midland Credit Management, Inc. ("MCM") such that Midland Funding should be considered vicariously liable under the FDCPA. See *Clark v. Capital Credit & Collection Servs., Inc.*, 460 F.3d 1162, 1173 (9th Cir. 2006).

As far as the key issue in this case, "knowledge of attorney representation," there must be actual knowledge. *Schmitt v FMA Alliance* 398 F.3d 995 (8th Cir. 2005) There is no evidence of any such knowledge by MCM or Midland Funding.

2. PROPOSED ADR METHOD

The parties believe that a Judicial Settlement Conference at or near the close of discovery is the best ADR method for this case.

3. DEADLINE FOR ADR

The parties agree that the ADR proceeding should be held within 4 months after this Report is filed.

4. PROPOSED DEADLINE FOR JOINING ADDITIONAL PARTIES

Parties agree the deadline for joining additional parties should be March 1, 2013.

5. PROPOSED DISCOVERY PLAN

A. The FRCP 26(f) conference and FRCP 26(a) initial disclosures.

The parties held their Rule 26(f) conference on January 2, 2013. Plaintiff

1 submitted her initial disclosures on January 9, 2013, and Defendants shall submit their
2 initial disclosures shortly.

3 **B. SUBJECT OF DISCOVERY; PROCESS**

4 The parties anticipate that discovery will relate to the timing and substance of the
5 communications between the parties, and of communications between Defendants and
6 the creditor from whom Plaintiff's account was purchased. Phased or limited discovery
7 is not anticipated at this time.
8

9
10 **C. DISCOVERY LIMITATIONS**

11 The parties do not presently believe that any changes to the federal discovery
12 rules are needed at this time.
13

14 **D. DISCOVERY MANAGEMENT**

15 The parties do not expect significant or protracted discovery in this case and
16 agree to cooperate in a manner that minimizes expenses while preserving each side's
17 ability to make their claims and defenses.
18

19 **E. OTHER ORDERS**

20 The parties do not believe the Court needs to enter any such orders.
21

22 **6. DISCOVERY DEADLINE**

23 August 1, 2013.

24 **7. UNITED STATES MAGISTRATE JUDGE**

25 The parties agree to referral to a Magistrate Judge for a settlement conference but
26 not for trial.
27

1 **8. BIFURCATION**

2 The parties do not believe that bifurcation is necessary in this case.

3 **9. PRETRIAL ORDER**

4 The parties are not willing to waive pretrial statements and a pretrial order.

5 **10. OTHER SIMPLIFICATION OF THE CASE**

6 None.

7 **11. TRIAL READINESS**

8 The parties anticipate being ready for trial by November 1, 2013.

9 **12. JURY / NON-JURY TRIAL**

10 The trial will be a jury trial.

11 **13. LENGTH OF TRIAL**

12 The parties estimate trial will last two to three days.

13 **14. NAMES AND ADDRESSES OF COUNSEL**

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ATTORNEY FOR DEFENDANTS

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ATTORNEY FOR DEFENDANTS

15. SERVICE STATUS

All Defendants have been served and have filed their appearances.

16. SCHEDULING CONFERENCE

The parties do not wish a scheduling conference prior to a scheduling order being entered on this case.

Respectfully submitted this 26th day of February, 2013.

s/Jon N. Robbins
Jon N. Robbins
Weisberg & Meyers, LLC
Attorney for Plaintiff

s/Daniel A. Brown
Daniel A. Brown
Williams, Kastner & Gibbs, PLLC
Attorney for Defendant

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Copy mailed on this 26th day of February, 2013, to:

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s/Tremain Davis
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